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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,759	03/05/2002	Adnan M. M. Mjalli	41305/271123	6863
7590	09/24/2004		EXAMINER	
Cynthia B. Rothschild Kilpatrick Stockton LLP 1001 West Fourth Street Winston-Salem, NC 27101			O SULLIVAN, PETER G	
			ART UNIT	PAPER NUMBER
			1621	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/091,759	MJALLI ET AL.
Examiner	Art Unit	
Peter G O'Sullivan	1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 June 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-7 and 11-62 is/are pending in the application.  
4a) Of the above claim(s) 2-7,11,13-17,19,21-27,29,31-40 and 46-60 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1,41-45,61 and 62 is/are rejected.  
7)  Claim(s) 12,18,20,28 and 30 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

Claims 1-7 and 11-62 are pending in this application. The search has been extended to non-heterocyclic compounds wherein G2 is a urethane moiety and R4 is structure (c). Claims 2-7, 11, 13-17, 19, 21-27, 29, 31-40, and 46-60 are currently held withdrawn from consideration. The prior rejection of the claims under 35 U.S.C. 102(b) as anticipated by Peschke et al., US 6,274,584, is withdrawn in view of applicants' arguments.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 41-45, 61 and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 61 and 62, the structures for R4 show two pendant groups containing L whereas in claim 1 only one is claimed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent 7-51550 which discloses [1-[[[4-[[2-dimethylamino)ethyl]ethylamino]phenyl]amino]carbonyl]-3-methylbutyl]-carbamic acid phenylmethylester. A copy of the Chem. Abst. 116:58986 corresponding to JP-7-51550 is enclosed for the convenience of the applicants.

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Claims 12, 18, 20, 28 and 30 are allowable, but objected to as dependent on a rejected claim.

Any inquiry concerning this communication should be directed to Peter G O'Sullivan at telephone number (571)272-0642.

*P.G.O'Sullivan*  
PETER O'SULLIVAN  
PRIMARY EXAMINER  
GROUP 1200